

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GCCFC 2005-GG5 HEGENBERGER
RETAIL LIMITED PARTNERSHIP,

Plaintiff,

v.

GEORGE A. ARCE, et al.,

Defendants.

Case No. [17-cv-03854-SI](#)
[19-cv-00403-SI](#) (related case)

**THIRD AMENDED ORDER OF
DISMISSAL UPON SETTLEMENT**

Re: Dkt. No. 100

On December 4, 2020, the parties to this action advised the Court they have agreed to a settlement. Dkt. No. 94. On February 2, 2021, plaintiff filed a motion to reopen this case and informed the Court that the parties' settlement agreement is pending in the Superior Court of California, County of Alameda. Dkt. No. 96 at 2. On February 5, 2021, the Court issued an Amended Order of Dismissal Upon Settlement. Dkt. No. 97. On April 6, 2021, plaintiff filed a second motion to reopen this case and informed the Court that the parties' settlement agreement is still pending in Superior Court. Dkt. No. 98. On April 8, 2021, the Court issued a Second Amended Order of Dismissal Upon Settlement. Dkt. No. 99. On July 7, 2021, plaintiff filed a request to vacate second amended dismissal order and enter third amended dismissal order. Dkt. No. 100.

The Court hereby **GRANTS** plaintiff's a request to vacate second amended dismissal order and enter third amended dismissal order. The Court amends its April 8, 2021 Amended Order of Dismissal Upon Settlement.

IT IS HEREBY ORDERED that this matter is DISMISSED WITH PREJUDICE. However, that if any party hereto certifies to this court, with proof of service of a copy thereon on opposing counsel, within ninety days from the date hereof, that settlement has not in fact occurred, the foregoing order

shall be vacated and this cause shall forthwith be restored to the calendar for further proceedings.

IT IS SO ORDERED.

Dated: July 27, 2021



SUSAN ILLSTON
United States District Judge